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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Nobuo NAITO et al.

Group Art Unit: 1794

Application No.: 10/569,492

Examiner: V. CHANG

Filed: February 27, 2006

Docket No.: 127199

For: ANTI-REFLECTION FILM FOR PLASMA DISPLAY

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the March 3, 2008 Election of Species Requirement, Applicants provisionally elect Species of independent claim 4, with traverse. At least claims 4 and 5 read on the elected species and at least claim 4 is generic to all species.

The Office Action states, "The species are as follows: Please select one of the embodiments in independent claims 1, 4, 6, 8 and 10." Later, the Office Action states, "The following claim(s) are generic: 1, 4, 6, 8 and 10." Further, the Office Action states that the species lack the same or corresponding special technical feature, because "each species has distinct structure and/or composition, and there is not evidence that they are obvious variants." See Office Action at page 2, lines 7 and 18-22.

Claims 1, 4, 6, 8 and 10 are not separate species, but are independent claims that include different claim features. Thus, the Office Action is not an Election of Species Requirement, but an invalid Restriction Requirement. Under PCT Rule 13.1, an application shall relate to one invention only or to a group of inventions so linked as to form a single

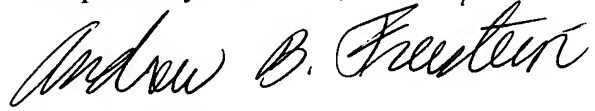
general inventive concept ("requirement of unity of invention"). Under PCT Rule 13.2, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. See MPEP §1850.

Claims 1-12 have unity of invention. The "special technical feature" is "An anti-reflection film for a plasma display, comprising: a transparent substrate film, an anti-reflection layer provided on one surface of the transparent substrate film, and an unwanted light shielding layer." Thus, the Election of Species/Restriction Requirement under PCT Rule 13.1 and PCT Rule 13.2 is improper, because claims 1-12 have unity of invention.

It is also respectfully submitted that the subject matter of all species and claims is sufficiently related that a thorough search for the subject matter of any one species and claim would encompass a search for the subject matter of the remaining species and claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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